

RESOLUTION 2003-48

A RESOLUTION APPROVING FOR FINAL READOPTION 68 IAC 4

The Indiana Gaming Commission (Commission) adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. Under IC 4-22-2.5, rules promulgated under IC 4-22-2 expire January 1, of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.
2. The Commission previously readopted other provisions of Title 68 in 2002, and at that time attempted to readopt 68 IAC 4. However, the Commission received a written request for separate consideration of Article 4. The Commission would not have been able to complete the promulgation process before the January 1, 2003 expiration of the rules, and Governor O'Bannon issued Executive Order 02-22, which extended the expiration date of Article 4 to January 31, 2004.
3. Pursuant to IC 4-22-2.5-4(b)(2), after receiving a request for separate consideration, the Indiana Gaming Commission was required to complete full promulgation procedures for adoption of administrative rules under IC 4-22-2. A Notice of Intent was published in the September 1, 2002 edition of the *Indiana Register*, although that rule action was later withdrawn and the process was re-initiated in the June edition of the *Indiana Register*.
4. A hearing was held on October 24, 2003 in the Commission office. No one appeared to make oral comments at the hearing. No written comments were received with respect to this rule, other than the request for separate consideration that was received in 2002.
5. If the Commission approves this Resolution, these rules will be submitted to the Office of the Attorney General and the Governor for final approval.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1: SCOPE.

This resolution applies to all persons and entities licensed by the Commission, all persons or entities that have applied to the Commission for licensure, any person who does business with an applicant or licensee, and any person who is a patron of a Riverboat Gambling Operation.

SECTION 2: DEFINITIONS.

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

SECTION 3: READOPTION OF THE RULE.

The Commission adopts the following rules as final rules:

68 IAC 4 CORPORATIONS

Pursuant to IC 4-22-2.5 and IC 4-22-2, the Commission readopts these rules, which will be submitted to the Office of the Attorney General for approval as a final rule pursuant to IC 4-22-2-32. Upon approval by the Office of the Attorney General, the rule will be submitted to the Governor's Office for approval pursuant to IC 4-22-2-33. After the rule has been approved or deemed approved by the Governor, the rule will be submitted to the Secretary of State for filing in accordance with IC 4-22-2-35. The Commission further adopts any stylistic, grammatical, typographical, or other nonsubstantive changes that the Commission staff or the Legislative Services Agency may make to this amendment before it is printed as a final rule in the *Indiana Register*.

SECTION 4: EFFECTIVE DATE.

This resolution is effective immediately.

SECTION 5: EXPIRATION DATE.

This Resolution expires thirty (30) days from the date and time that the Secretary of State accepts the rules listed in Section 3 for filing.

ADOPTED THIS THE 14TH DAY OF NOVEMBER, 2003.

THE INDIANA GAMING COMMISSION:

Donald R. Vowels (FACSIMILE)
Donald Vowels, Chair

Thomas Milcarek (FACSIMILE)
Thomas Milcarek, Secretary